

Central Valley Regional Water Quality Control Board
Water Quality Control Plan for the Tulare Lake Basin
Second Edition - 1995
Triennial Review

General

The Porter-Cologne Water Quality Control Act (Water Code Section 13240) requires the formulation and adoption of water quality control plans for each region of the state and such plans shall be periodically reviewed and may be revised. The Water Quality Control Plan for the Tulare Lake Basin (Basin Plan) was originally adopted by the Central Valley Regional Water Quality Control Board (RWQCB) on 25 July 1975, approved by the State Water Resources Control Board (SWRCB) 21 August 1975 and the U. S. Environmental Protection Agency (EPA) in June 1976.

The Second Edition adopted 17 August 1995 was a rewrite of the original Basin Plan and incorporated or superceded all of the RWQCB resolutions and agreements formulated between 1975 and 1995. Both Federal and State laws mandate the periodic review and update of Basin Plans, and are normally conducted approximately every three years, thus the term "Triennial Review". The last Triennial Review and public workshop of the Water Quality Control Plan for the Tulare Lake Basin was conducted in April 2002.

Basin Description

The planning boundary of the Tulare Lake Basin follows the northern boundary of Little Panoche Creek, continues eastward along the channel of the San Joaquin River to Millerton Lake in the Sierra Nevada foothills, and then follows along the southern boundary of the San Joaquin River drainage basin. This essentially closed basin is situated in the topographic horseshoe formed by the Diablo and Temblor Ranges on the West, by the San Emigelio and Tehachapi Mountains on the South, and the Sierra Nevada Mountains on the East and northeast.

The Basin encompasses approximately 10.5 million acres, of which 3.25 million acres are in Federal ownership and nearly 4.0 million acres in irrigated agriculture. The basin is 170 miles in length and 140 miles in width at maximum dimensions. The Tulare Lake Basin has a population of about 2.0 million.

Because of the closed nature of the Tulare Lake Basin, there is little surface or subsurface outflow. Thus, salts accumulate within the Basin due to importation and evaporative use of the water. The paramount water quality problem in the Basin is the accumulation of salts.

Presented by R. L. Schafer, Tule River Subwatershed
Southern San Joaquin Valley Water Quality Coalition
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Objectives of Basin Plan

California Water Code (CWC) Section 13241 states “Each regional board shall establish such water quality objectives in water quality control plans as in its judgement will ensure the reasonable protection of beneficial uses and the prevention of nuisance; however, it is recognized that it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses.”

CWC Section 13050 defines “Water Quality Objectives”. The limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

The numerical and narrative water quality objectives define the least stringent standards that the Regional Board will apply to regional waters in order to protect beneficial uses.

CWC Section 13050 states a “Water Quality Control Plan” consists of a designation or establishment for waters within a specified area of all of the following:

- (1.) Beneficial uses to be protected.
- (2.) Water quality objectives.
- (3.) A program of implementation needed for achieving water quality objectives.

Beneficial Uses

CWC Section 13241 identifies “past, present, and probable future “beneficial uses of water as a factor to be considered by the RWQCB in establishing water quality objectives.

As stated in the Notice of Public Workshop: “where a Regional Board has evidence that a use neither exists nor likely can be feasibly attained, the Regional Board should initiate appropriate Basin Plan amendments to consider dedesignating the use.”

- The definitions of the beneficial uses need to be reviewed in detail and in some cases clarified.
- The designations in Table II-1, Tulare Lake Basin, Surface Water Beneficial Uses and Table II-2, Tulare Lake Basin Groundwater Beneficial Uses, need to be reevaluated for past, present and probable future beneficial uses, particularly with respect to the reasonableness for water quality requirements for intermittent streams, stream channels that are dry most of the year, for MUN, WARM, COLD, WILD, RARE and SPWN.

Water Quality Objectives

The Tulare Lake Basin Plan, Second Edition-1995 identifies six important points about Water Quality Objectives.

1. Water quality objectives can be revised through the basin plan amendment process. The “Triennial Review” process provides the opportunity to evaluate the effectiveness of the Basin Plan and amend the Plan as required.
2. Achievement of water quality objectives depends on applying regulations over controllable water quality factors, which are those actions, conditions or circumstances resulting from human activities.
3. Water quality objectives are achieved primarily through the adoption of waste discharge requirements (WDR) and enforcement orders. The objectives do not require improvement over naturally occurring background concentrations and apply to the main water mass.
4. Where water quality objectives are formulated to preserve historic conditions, there may be insufficient data to determine the temporal and hydrologic variability of historic water quality.
5. The State Water Resources Control Board adopts policies and plans for water quality control that specifies water quality objectives or affect their implementation.
6. Water quality objectives may be in numerical or narrative form.
 - Generally, the water quality objectives of the Tulare Lake Basin Plan, both inland surface waters and groundwater are well constituted, however, additional numerical limitations would be helpful for implementation.

Implementation Plan

The Tulare Lake Basin Plan, Chapter IV, Implementation Plan identifies water quality concerns with coverage of agriculture, overdraft, salinity, silvaculture, mineral exploration and extraction, erosion, well standards, controlled burning, municipal and domestic wastewater, industrial wastewater, storm water, hazardous and non-hazardous waste disposal and other discharge activities with both narrative and numerical standards.

The Regional Board’s attention is directed to CWC, Section 13269 that specifically allows a waiver of discharge requirements for a specific discharge or a specific type of discharge where such waiver is not against the public interest; and CWC, Section 3141 further states:

“However, prior to implementation of any agricultural water quality control

program, an estimate of the total cost of such a program, together with an identification of potential sources of financing, shall be indicated in any regional water quality control plan.”

- Nearly all of the Implementation Plan standards, regulations, prohibitions, policies, principles, goals, objectives and recommendations have been utilized and from personal experience effectively implemented. The basin plan serves as the reference document, the guide, for project development and preservation of water quality of the Tulare Lake Basin.
- The Fresno Office staff of the RWQCB has provided thorough and detailed assistance for the effective implementation of the Basin Plan water quality objectives and standards. We, that represent the public districts, stakeholders and landowners greatly appreciate and acknowledge the professional relationship that prevails with the staff.

Plans and Policies

The Basin Plan lists the SWRCB policies and plans, adopted by resolution, that are applicable to the Tulare Lake Basin along with a list of Management Agency Agreements, Memoranda of Understanding and Memoranda of Agreements with federal and other state agencies for water quality prohibitions, policy, control and planning. All of which have provided guidance in the development of point source waste discharge requirements (WDR), general orders and non point source waivers.

- It is important that all such prohibitions, policies, controls and plans are updated but remain consistent and provide stability for the reissuance of WDRs and waivers, and for the continuation of general orders.
- Dairies are a major agricultural industry in Tulare County, more than 300 dairy operations, and the recent General Order has established additional and comprehensive requirements, some of which will result in extensive costs for implementation and other provisions will result in a detailed record of actions already being conducted by the dairymen. After the existing conditions report due 31 December 2007 and other reports due 01 July 2008 have been developed, transmitted and reviewed, and the problems with the general order identified, we encourage the RWQCB conduct a further hearing for amendment of the identified problems with the General Order.
- The irrigated lands agricultural discharge waiver program (ILP) is another example of the implementation of a plan for water quality control of nonpoint source discharges. However, the ILP needs continuity and stability with a requirement that after the characterization of the water quality of the basin or subbasin has been achieved and the identification of water quality issues resolved, the level of surveillance, monitoring, and reporting needs to be

curtailed to a reasonable frequency.

- The Tulare Lake Basin is a closed and isolated basin and surface water quality must be treated differently from the remainder of the Central Valley. Either a separate irrigated lands agricultural discharge waiver program or a General Order needs to be formulated for the unique conditions of the Tulare Lake Basin.

Surveillance and Monitoring

As stated in the Basin Plan, the effectiveness of a water quality control program cannot be judged without data from a comprehensive surveillance and monitoring program.

The Basin Plan also identifies objectives of a surveillance and monitoring program which are comprehensive and need to be reviewed, clarified and implemented.

- We concur that the current monitoring and surveillance program within the Tulare Lake Basin is irregular and detailed information may not be available for areas of the Basin, and we support a more comprehensive and organized program.

Just last month the Tulare County Water Commission, recently formed, appointed two subcommittees, one to research and develop a thorough scientific evaluation of nitrates in groundwater of Tulare County, and two a review of the adequacy of the well construction and abandonment ordinance of Tulare County.

Summary

- In summary the Regional Board and staff have promulgated an effective Water Quality Control Plan over the past 30-years for the Tulare Lake Basin, and for continuity, reliability and stability, we recommend the Regional Board only amend the 1995 Second Edition, Basin Plan, with appropriate updated beneficial uses, water quality objectives, and water quality plans and policies, as the current document was well formulated in conformance with the provisions of the California Water Code, Division 7, Water Quality, Sections 13000 et seq.
- The Southern San Joaquin Valley Water Quality Coalition is prepared to work extensively with the Regional Board and staff in an open and organized process for appropriate amendments of the existing Water Quality Control Plan for the Tulare Lake Basin.